

4-15-10

IFW  
DDC

**INSIGHT BIOTEK INC.**



TO: Alesia M. Brown, Petitions Attorney  
Office of Petitions

FAX#: (571) 273-8300

DATE: April 13, 2010

FROM: Diane Van Alstyne

FAX #: (250) 493-3793

PHONE #: (250) 493-3793

# OF PAGES: 06 REF: /

Re: PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT UNDER 37 C.F.R. & 1.137(b)

**CHANGE OF MAILING ADDRESS CORRECTION**

Application No. 09/489,850  
Atty. Dkt. No. 051916-0107-2

Your correspondence dated "Mailed March 1, 2010" was received March 22, 2010 with an INCORRECT address which has been entered into the record.

AGAIN, applicant's new address to which she is receiving mailed correspondence is:

Diane Van Alstyne  
101 - 144 Brunswick Street  
Penticton  
British Columbia  
CANADA V2A 5P7

The INCORRECT address entered into the record is:

Diane Van Alstyne  
101 - 144 Brunswick Street  
Penticton  
**British Columbia, V2A 5P7 CA CANADA**

**NOTE THAT THE LAST LINE ABOVE IS INCORRECT**

Please enter the corrected address into the record so that future mail can be delivered in a timely manner.  
Thank You.

Date April 9, 2010

Date APRIL 13, 2010

D Van Alstyne  
Diane Van Alstyne

Rajendra L. Sharma  
Rajendra L. Sharma



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov



MAILED

MAR 01 2010

OFFICE OF PETITIONS

DIANE VAN ALSTYNE  
101-144 BRUNSWICK ST.  
PENTICTON  
BRITISH COLUMBIA V2A 5P7 CA CANADA  
**CANADA V2A 5P7**

In re Application of

Alstyne, et al.

Application No. 09/489,850

Filed: January 24, 2000

For: 51916/107

: DECISION ON PETITION  
:  
:  
:  
:

This decision is in response to the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181, filed January 12, 2009.

The petition is DISMISSED WITHOUT PREJUDICE.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

The provisions of 37 CFR 1.33(b) state that "[a]mendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by: (1) A patent practitioner of record appointed in compliance with § 1.32(b); (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34; (3) An assignee as provided for under § 3.71(b) of this chapter; or (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter."

The instant renewed petition is not signed in accordance with 37 CFR 1.33(b)(4) in that it is not signed by each inventor named in the application. Accordingly, the petition has not been reviewed on the merits.

Any renewed petition and accompanying documents must be properly executed in accordance with 37 CFR 1.33 prior to treatment on the merits.

Petitioners' request for change of correspondence address, which is properly signed by each inventor pursuant to 37 CFR 1.33(b)(4) has been entered into the record.

**INCORRECT ADDRESS**

An examination of this application reveals that petitioners may be unfamiliar with patent prosecution and petition procedures. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicants may wish to consider securing the services of a registered patent attorney.

or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster". Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                   Mail Stop PETITION  
                              Commissioner for Patents  
                              P. O. Box 1450  
                              Alexandria, VA 22313-1450

By hand:                   U. S. Patent and Trademark Office  
                              Customer Service Window, Mail Stop Petitions  
                              Randolph Building  
                              401 Dulany Street  
                              Alexandria, VA 22314

By facsimile:           (571) 273-8300  
                              Attn: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

*/ALESIA M. BROWN/*

Alesia M. Brown  
Petitions Attorney  
Office of Petitions



Application No. 09/489,850  
Atty. Dkt. No. 051916-0107-2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Diane VAN ALSTYNE and  
Lawrence R. SHARMA

Title: **PEPTIDES REPRESENTING  
EPITOPIC SITES FOR BACTERIAL  
AND VIRAL MENINGITIS CAUSING  
AGENTS AND THEIR CNS CARRIER,  
ANTIBODIES THERETO, AND USES  
THEREOF**

Appl. No.: 09/489,850

Filing Date: January 24, 2000

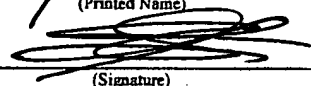
Examiner: Patricia A. DUFFY

Art Unit: 1645

**CERTIFICATE OF EXPRESS MAILING**  
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**EG 321424842 US 4/13/10**  
(Express Mail Label Number) (Date of Deposit)

**LARRY SHARMA**  
(Printed Name)

  
(Signature)

**PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT**  
**UNDER 37 C.F.R. § 1.137(b)**

Mail Stop PETITION  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This Petition is in reply to the Notice of Abandonment mailed July 26, 2007, which was returned to the United States Patent & Trademark Office on August 13, 2007, as undeliverable. Applicant hereby petitions for withdrawal of the holding of abandonment, due to their failure to respond to subsequent PTO correspondence regarding the **GRANTED** petition to withdraw abandonment, which had been mailed to Applicant's incorrect address (465 Stony Point Rd., Suite 115, Santa Rosa, CA 95401). Applicant also includes the appropriate petition and extension fees and accompanies this Petition with the appropriate Change of Correspondence Address paperwork.



The entire delay in responding to that PTO correspondence was unintentional. The undersigned, who is the Applicant, is prosecuting the captioned application *pro se* and inadvertently failed to inform the Patent Office that the mailing address for her company, INSIGHT BIOTEK INC. had changed.

Applicant's new address to which she is receiving mailed correspondence is:

Diane Van Alstyne  
101 - 144 Brunswick Street  
Penticton  
British Columbia  
Canada V2A 5P7

At all times, Diane Van Alstyne, the Applicant, remains the point of contact with the Patent Office and continues to handle this case *pro se*. She had every intention to retain the pendency of this application, USSN 09/489,850, and did not intend for it to become abandoned again, as evidenced by the previously-granted Petition (the Office of Petitions had granted Applicant's petition dated March 2, 2006, under 37 C.F.R. 1.137(b); please see the Decision on Petition dated August 14, 2006).

For this reason, Applicant respectfully requests that the Commissioner grant Applicant's Petition for Withdrawal of Abandonment in the present application.

Respectfully submitted,

Date September 22 / 08

By D. Van Alstyne

Date April 10 / 10

By Diane Van Alstyne  
Diane Van Alstyne

Date APRIL 13, 2010

By [Signature]  
Rajendra L. Sharma



i n s i g h t



Commissioner for Patents  
PO Box 1450  
Alexandria, VA  
22313-1450

April 13, 2010

Please find below authorisation to access the following AMEX card account for the Petition Fee of \$770 (for a small entity):

AMEX # 3772 - 363 - 961 - 01003

exp. 07/2011

security code # 6479

Rajendra L. Sharma

R.L. Sharma